

IN THE
UNITED STATES DISTRICT COURT
FOR THE
WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION

UNITED STATES OF AMERICA	:	
	:	
v.	:	Criminal Number: 4:18-CR-00012
	:	
TREDARIOUS JAMERIGUAN KEENE	:	
MONTEZ LAMAR ALLEN	:	
JAVONTAY JACQUIS HOLLAND	:	
JERMAY SMITH, JR.	:	
JALEN CORMARRIUS TERRY	:	
	:	
Defendants.	:	

GOVERNMENT'S DEMAND FOR NOTICE OF ALIBI

The United States of America, through its Assistant United States Attorneys, pursuant to Fed. R. Crim. P. 12.1(a) demands that the above-named defendants serve upon the attorney for the government, within fourteen (14) days, written notice of their intention to offer a defense of alibi, which notice shall state the specific places as which the defendant claims to have been at the times of the offenses charged and the names, addresses, and phone numbers of the witnesses upon whom the defendant intends to rely to establish such alibi. The United States further demands that, if at a later date prior to or during trial, the defendant learns of any additional witnesses whose identity, if known, should have been included in the information furnished in the defendant's written notice in accordance with Fed. R. Crim. P. 12.1(a), the defendant promptly notify the undersigned attorney for the government of the existence, name, address, and phone number of such additional witnesses. Fed. R. Crim. P. 12.1(c).

The failure to comply with such request permits the court to exclude any testimony from

an undisclosed witness as set forth in Fed. R. Crim. P. 12(d). Accord, United States v. Pearson, 159 F.3d 480, 483 (10th Cir. 1998), citing United States v. Davis, 40 F.3d 1069, 1076 (10th Cir. 1994), and United States v. Fitts, 576 F.2d 837 (10th Cir. 1978); United States v. Barron, 575 F.2d 752, 755-758 (9th Cir. 1978); See United States v. Webster, 769 F.2d 487, 490 (8th Cir. 1985); cf. Taylor v. Illinois, 108 S.Ct 646 (1988).

In association with this demand for notice of alibi, the attorney for the government states that the United States expects to prove the alleged offenses were committed on or about June 15, 2016 and August 20, 2016, within the Western District of Virginia, as charged in the Indictment. but are not limited to:

Date	Time	Location (if known)
June 15, 2016	10:00 p.m. to 11:00 p.m.	Southwyck Hills Apartments North Hills Court Danville, Virginia
August 20, 2016	12:00 noon to 12:00 p.m.	Southwyck Hills Apartments North Hills Court Danville, Virginia

Respectfully submitted,

THOMAS T. CULLEN
UNITED STATES ATTORNEY

/s/ Ronald M Huber_____

Ronald M. Huber
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CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of April, 2019, I caused a copy of the foregoing Government's Demand for Notice of Alibi to be served by ECF, which provides services on all counsel of record.

/s/ Ronald M Huber
Ronald M. Huber (VA Bar #31135)
Assistant United States Attorneys